

REMARKS

Claims 1-20 are pending in the application. Favorable reconsideration of the subject patent application in view of the comments which follow is respectfully requested.

Election

The Examiner has required the election of a single species for prosecution on the merits. Applicant elected the species of Embodiment I (claims 1-9) for examination in the previous reply.

Claim 10 has been amended to depend on claim 1 in the previous reply. Thus, once claim 1 is allowed, each of dependent claims depending, directly or indirectly, from claim 1 will also be allowable.

In addition, as the Examiner conceded in the previous Office Action, claim 1 is generic to claim 17. Thus, once claim 1 is allowed, claim 17 and claims 18-20 that depend from claim 17 will also be allowable (MPEP Section 806.04(d)).

Anticipation Rejection over Lyons et al.

Claims 1-9 have been rejected under 35 U.S.C. §102(e) as being anticipated by Lyons et al. (US Patent No. 6,955,939 B1). Applicant respectfully requests withdrawal of the rejection for at least the following reasons. Lyons et al. does not disclose each and every feature of the claimed invention.

With respect to claim 1, although the Examiner concedes that Lyons et al. does not disclose all of the features as recited in claim 1, the Examiner contends that materials disclosed in Lyons et al. would inherently have the same characteristics as the claimed invention. The Examiner also relies on theory of inherency in rejecting claims 4 and 5 over Lyons et al. Applicant respectfully disagrees.

"In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied

prior art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) and MPEP 2112 IV. (EXAMINER MUST PROVIDE RATIONALE OR EVIDENCE TENDING TO SHOW INHERENCY).

Lyons et al. discloses numerous photosensitive dielectric materials (Col. 4, line 5 - Col. 10, line 62) and numerous organic polymers (Col. 12, line 64 - Col. 15, line 58). However, Lyons et al. does not disclose a semiconductor device containing a polymer dielectric and an organic semiconductor material, wherein coefficients of thermal expansion of the polymer dielectric and organic semiconductor material are substantially matched. Lyons et al. fails to disclose that coefficients of thermal expansion of the polymer dielectric and organic semiconductor material in a semiconductor device are substantially matched. Applicant respectfully requests the Examiner to identify where is a factual support in Lyons et al. that shows coefficients of thermal expansion of the polymer dielectric and organic semiconductor material in a semiconductor device are substantially matched. See MPEP 2112 IV. (EXAMINER MUST PROVIDE RATIONALE OR EVIDENCE TENDING TO SHOW INHERENCY).

With respect to claim 4, Lyons et al. discloses numerous photosensitive dielectric materials (Col. 4, line 5 - Col. 10, line 62) and numerous organic polymers (Col. 12, line 64 - Col. 15, line 58). However, Lyons et al. does not disclose a semiconductor device containing a polymer dielectric and an organic semiconductor material, wherein coefficients of thermal expansion of the polymer dielectric and organic semiconductor material are substantially matched and the polymer dielectric has a glass transition temperature or a melting point of about 125°C. or higher and about 425°C. or less. Lyons et al. fails to disclose that coefficients of thermal expansion of the polymer dielectric and organic semiconductor material in a semiconductor device are substantially matched and the polymer dielectric in the semiconductor device has a glass transition temperature or a melting point of about 125°C. or higher and about 425°C. or less. Applicant respectfully requests the Examiner to identify where is a factual support in Lyons et al. that shows coefficients of thermal expansion of the

polymer dielectric and organic semiconductor material in a semiconductor device are substantially matched and the polymer dielectric in the semiconductor device has a glass transition temperature or a melting point of about 125°C. or higher and about 425°C. or less. See MPEP 2112 IV. (EXAMINER MUST PROVIDE RATIONALE OR EVIDENCE TENDING TO SHOW INHERENCY).

With respect to claim 5, Lyons et al. discloses numerous photosensitive dielectric materials (Col. 4, line 5 - Col. 10, line 62) and numerous organic polymers (Col. 12, line 64 - Col. 15, line 58). However, Lyons et al. does not disclose a semiconductor device containing a polymer dielectric and an organic semiconductor material, wherein coefficients of thermal expansion of the polymer dielectric and organic semiconductor material are substantially matched and the polymer dielectric has a dielectric constant below about 3. Lyons et al. fails to disclose that coefficients of thermal expansion of the polymer dielectric and organic semiconductor material in a semiconductor device are substantially matched and the polymer dielectric in the semiconductor device has a dielectric constant below about 3. Applicant respectfully requests the Examiner to identify where is a factual support in Lyons et al. that shows coefficients of thermal expansion of the polymer dielectric and organic semiconductor material in a semiconductor device are substantially matched and the polymer dielectric in the semiconductor device has a dielectric constant below about 3. See MPEP 2112 IV. (EXAMINER MUST PROVIDE RATIONALE OR EVIDENCE TENDING TO SHOW INHERENCY).

It is only after the Examiner has established a prima facie case of obviousness that the burden shifts to applicant. *In re Carlton*, 202 USPQ 165 (CCPA 1979). Here, the Examiner has not met his burden of establishing a prima facie case of obviousness with respect to any claim in the subject application. Nonetheless, Applicants respectfully submit that pursuant to 35 U.S.C. §103(c), Lyons et al. is not a citable reference against the invention as claimed for the following reason to expedite favorable prosecution.

The subject matter of Lyons et al. and the claimed invention are commonly owned, or were subject to an obligation of assignment to Advanced Micro Devices, Inc., at the time the inventions were made. The following is a quotation of 35 U.S.C. §103(c) that forms at least one basis that nonobviousness rejection would not be applicable to the claims:

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (e), (f), and or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. 35 U.S.C. §103(c)

Thus, pursuant to 35 U.S.C. §103(c), Lyons et al. is not a citable reference against the invention as claimed.

#### Conclusion

The subject application is believed to be condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

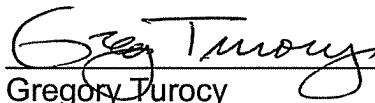
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In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 50-1063.

Respectfully submitted,

**AMIN, TUROCY & CALVIN, LLP**

A handwritten signature in cursive script, appearing to read "Greg Turocy", is written over a horizontal line.

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